

ARKANSAS SUPREME COURT

No. CR 06-655

NOT DESIGNATED FOR PUBLICATION

DEMARCO RAYNOR
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered June 29, 2006

PRO SE MOTION FOR BELATED
APPEAL [CIRCUIT COURT OF
LONOKE COUNTY, CR 99-5, HON.
LANCE LAMAR HANSHAW, JUDGE]

MOTION DENIED

PER CURIAM

A jury found petitioner Demarco Raynor guilty of murder in the first degree and sentenced him to life imprisonment. This court affirmed the judgment. *Raynor v. State*, 343 Ark. 575, 36 S.W.3d 315 (2001). Petitioner then filed a petition for postconviction relief pursuant to Ark. R. Crim. P. 37.1, which was denied by order entered January 14, 2005. Petitioner has now tendered a partial record to this court, and brings this motion requesting belated appeal of that order.

A petitioner has the right to appeal a ruling on a petition for postconviction relief. *See Scott v. State*, 281 Ark. 436, 664 S.W.2d 475 (1984) (*per curiam*). However, along with that right, goes the responsibility to timely file a notice of appeal within thirty days of the date the order was entered in accordance with Ark. R. App. P.–Civ. 4 (a). The partial record before us shows that the notice of appeal was filed on February 24, 2005, forty-one days after the order was entered.

If a petitioner fails to timely file a notice of appeal, a belated appeal will not be allowed absent a showing by the petitioner of good cause for the failure to comply with proper procedure.

Garner v. State, 293 Ark. 309, 737 S.W.2d 637 (1987) (*per curiam*). Petitioner appears to attribute the delay in filing to the circuit clerk for failing to process his appeal, indicating he did not receive a response to questions concerning the need to submit a request to proceed *in forma pauperis*. It is not the duty of the circuit clerk, or the responsibility of anyone other than the petitioner, to perfect an appeal. See *Sullivan v. State*, 301 Ark. 352, 784 S.W.2d 155 (1990) (*per curiam*); *Bragg v. State*, 297 Ark. 348, 760 S.W.2d 878 (1988) (*per curiam*). Petitioner has failed to show good cause for the delay.

Motion denied.